IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 12794 of 1993

Between:

L.Nageswar Rao, S/o. Obaiah,
SC.No. N 13434, SHAR Centre, Sriharikota,
Nellore District.

..... PETITIONER

AND

Head, Personnel and General , Administration Disciplinary Authority for Group 'C' Employees,
SHAR Centre, Sriharikota,
Nellore Dsitrict.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Certiorari to declare that the action of the Head, Personnel and General Administration, Disciplinary Authority for Group 'C' Employees, SHAR Centre, Sriharikota, Nellore District, the respondent herein, in placing the petitioner under suspension is arbitrary, irregular, malafide and to quash the proceedings of the respondent in Order No. SCF/PGA/LDS/D-2/(258)/93/942, dated: 10.8.1993.

Counsel for the Petitioner: MR.S.V.MUNI REDDY

Counsel for the Respondent: Sri H.Prahlada Reddy, Standing Counsel

The Court made the following :

ORAL ORDER:

This writ petition is filed challenging the order dated 10-8-1993 whereby the petitioner was placed under suspension in terms of Rule 7(2) of the Department of Space Employees (Classification, Control and Appeal) Rules, 1976, in view of the fact that he was detained in custody on 30-7-1993 for a period exceeding 48 hours.

A counter affidavit has been filed in this writ petition wherein the maintainability of this writ petition has been questioned on the ground that the SHAR Centre at Sriharikota, being a department of the Central Government, the remedy of the petitioner lies in approaching the Central Administrative Tribunal. The petitioner filed additional affidavit challenging the validity of the Administrative Tribunal Act, 1985. However, in view of the judgment of the Supreme Court in **L.CHANDRA KUMAR v UNION OF INDIA** the challenge to the validity of the provisions of the Administrative Tribunals Act, 1985 would fail.

The question as to whether the petitioner should have approached the Central Administrative Tribunal and whether on this ground the writ petition should be dismissed need not be gone into in view of the fact that the learned counsel for the petitioner Sri S.V.Muni Reddy placed before me an order issued by Government of India, Depatment of Space dated 2-11-1993 whereby the order of suspension dated 10-8-1993 (impugned in this writ petition) was revoked with immediate effect without prejudice to the criminal proceedings pending against the petitioner.

In view of the revocation of the order of suspension, the cause in this writ petition does not survive and no order need be passed in this writ petition.

The writ petition is accordingly disposed of. No costs.

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28-6-2005

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To:

1. Head, Personnel and General , Administration Disciplinary Authority for Group 'C' Employees,
SHAR Centre, Sriharikota,
Nellore Dsitrict.

2. Two C.D. copies